

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT

ROBERT H. SHAWWELL, CLERK
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FOR THE WESTERN DISTRICT OF LOUISIANA

SHREVEPORT DIVISION

DEBRA S. SARPY, ET AL.

versus

CIVIL ACTION NO. 04-1373
JUDGE TOM STAGG

TOWN OF HOMER, ET AL.

MEMORANDUM ORDER


Before the court are the plaintiffs' objections (Record Document 77) to two rulings by Magistrate Judge Mark Hornsby ("Judge Hornsby") at the July 9, 2007 status conference. See Record Document 73. In these rulings, Judge Hornsby sanctioned the plaintiffs' attorney for failing to appear at the conference and denied the plaintiffs' motion to amend the complaint. See id. This court will construe the plaintiffs' filing as an appeal from the magistrate judge's rulings.

Any party may appeal a magistrate judge's ruling on a non-dispositive matter to a district court judge under Rule 72(a) of the Federal Rules of Civil Procedure and Local Rule 74.1 M & W. The decisions by Judge Hornsby to sanction the plaintiffs' attorney and to deny the plaintiffs' motion to amend the complaint are non-dispositive matters. Neither of these actions are listed in 28 U.S.C. § 636(b)(1)(A) as one of the dispositive motions (often referred to as the "excepted motions") that a magistrate judge may not conclusively decide. See Maisonville v.

F2 America, Inc., 902 F.2d 746, 747-748 (9th Cir. 1990). As part of the ordinary appeal from a magistrate judge's ruling on a non-dispositive matter, the district judge may "set aside any portion of the order found to be clearly erroneous or contrary to the law." Fed. R. Civ. Proc. 72(a).

The court agrees with the reasoning of Judge Hornsby's rulings and finds no error. Accordingly, Judge Hornsby's rulings (Record Document 73) are **AFFIRMED.**

THUS DONE AND SIGNED at Shreveport, Louisiana, this 31st day of July, 2007.


JUDGE TOM STAGGS